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09/302,687	04/29/1999	DAVID I DIETZ	9076/102	7243

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IP PATENTS  
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EXAMINER

ALI, SYED J

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/302,687

Applicant(s)

DIETZ ET AL.

Examiner

Syed J Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is dependent on claim 18, which does not exist.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 12, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dentler et al. (USPN 6,289,368) (hereinafter Dentler).

As per claim 1, Dentler discloses an event historian for batch processing comprising:

a history executive element for receiving event information from multiple input sources and for deriving relationships among portions of said event information (col. 4 lines 37-49, col. 11 line 65 – col. 12 line 4, “the merged console message stream is a collection of all of the status information provided to the consoles”, “the flowcharts and milestone charts provide both status information as well as information about the relationships between one or more processes”);

a storage element coupled to said executive element for persistently storing said event information and relationships in response to requests from said history executive element (col. 6 lines 29-46, “at step 304, the pertinent messages are inserted into and stored in a database”); and

an event information retrieval element for retrieving said event information in accordance with said relationships in response to requests from an application process (col. 6 lines 46-61, “a unique graphical user interface is provided for indicating the status of one or more computer processes to the user”).

As per claim 2, Dentler discloses the event historian of claim 1 further comprising:

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a continuous data collection element for gathering continuous data in real time wherein said continuous data relates to at least one procedural element of a batch process (col. 4 lines 37-49, col. 5 lines 15-35, col. 6 lines 29-46, “in order to track the many processes executing on the mainframe computers 12, a merged console message stream 14 is provided”, “users operate the client PC’s 22 to obtain process status by drawing a flowchart, monitoring batch processing, or monitoring a milestone chart”).

As per claims 3 and 4, Dentler discloses the event historian wherein said information retrieval element further comprises:

a batch historian view client application for graphically presenting to a user said event information and said relationships and said continuous data (col. 6 lines 47-61, figs. 3-17, “a unique graphical user interface is provided for indicating the status of one or more computer processes to the user”).

As per claim 5, Dentler discloses the event historian of claim 1 further comprising:

a batch event generator coupled to said history executive element as a first input source wherein said batch event generator generates events indicative of execution of procedural elements of a batch process (col. 5 lines 15-35, “the communication link 20 is also preferably capable of supporting TCP/IP communications as well as handling remote procedure calls from the client PC’s 22”); and

a process event generator coupled to said history executive element as a second input source wherein said process event generator generates events indicative of procedural elements

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performed within equipment used in the control of said batch process (col. 5 lines 15-35, “the client PC’s 22 are event driven and thus make requests of the application server 18 on an as needed basis for information necessary to complete a task running on a client PC 22”).

As per claim 6, Dentler discloses the event historian of claim 5 further comprising:

a continuous data collection element for gathering continuous data in real time wherein said continuous data relates to at least one procedural element of a batch process (col. 4 lines 37-49, col. 5 lines 15-35, col. 6 lines 29-46, “in order to track the many processes executing on the mainframe computers 12, a merged console message stream 14 is provided”, “users operate the client PC’s 22 to obtain process status by drawing a flowchart, monitoring batch processing, or monitoring a milestone chart”),

wherein said process event generator comprises:

an event log generated by said continuous data collection element (col. 6 lines 29-61, “at step 304, the pertinent messages are inserted into and stored in a database”, wherein the information stored in the database can be considered analogous to an event log in that information concerning each event is stored as data arrives in real time as continuous data).

As per claim 7, Dentler discloses the event historian of claim 6 wherein said history executive element includes:

a history correlation element for relation said batch events and said process events and said continuous data (col. 11 line 65 – col. 12 line 4, “the flowcharts and milestone charts

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provide both status information as well as information about the relationships between one or more processes”).

As per claim 8, Dentler discloses a method for use in a batch processing system, a batch history view client application comprising:

means for retrieving event information corresponding to an identified batch; and

means for visually presenting to a user said event information and relationships among portions of said event information (figs. 3-17, col. 6 line 29 – col. 12 line 4, wherein the aforementioned figures and passages thoroughly describe a graphical user interface that presents event information relating to process data and batch process data comprehensively, and further provides means for interpreting the data through the use of the graphical user interface and deriving relationships among batch processes and processes therein).

As per claim 12, Dentler discloses the view client of claim 8 further comprising:

means for retrieving other event information corresponding to a second identified batch (col. 9 lines 13-44, figs. 10, 11, “a dialog box can be created to provide daily statistics on a select set of jobs pertinent to a specific user”, wherein information regarding multiple jobs or processes can be displayed as desired by the user); and

means for presenting to a user said other event information and relationships among portions of said other event information wherein said means for presenting said other event information includes:

means for indicating differences between said event information and said other event information (col. 9 lines 13-44, figs. 10, 11, noting figure 10 items 104-114 various data are presented concerning different jobs and results among those data sets, and conceivably other information regarding these jobs or processes can be compared similarly).

As per claim 14, as discussed above refers to the parent claim of claim 18, which does not exist. For the purpose of treating the merits of this claim, it is interpreted that it is meant to refer to claim 8.

Dentler discloses the view client of claim 8 wherein said means for visually presenting includes means for presenting said event information and said relationships in real time as said event information is generated (col. 11 lines 51-64, "the status of one or more batch or online processes is provided and updated in real-time to provide up to the minute status information").

As per claim 16, Dentler discloses the view client of claim 14 further comprising:

continuous data collection means for gathering continuous data in real time wherein said continuous data relates to at least one data point of a batch process (col. 4 lines 37-49, col. 5 lines 15-35, col. 6 lines 29-46, "in order to track the many processes executing on the mainframe computers 12, a merged console message stream 14 is provided", "users operate the client PC's 22 to obtain process status by drawing a flowchart, monitoring batch processing, or monitoring a milestone chart"),

wherein said means for presenting said event information in real time includes means for presenting said continuous data in real time as said continuous data is gathered (col. 11 lines



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51-64, "the status of one or more batch or online processes is provided and updated in real-time to provide up to the minute status information. Automatically tracking and displaying the status of each process is much simpler and easier than the prior manual methods", wherein it is disclosed that the method is capable of delivering information in real time and displaying it on the interface provided to the user).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11, 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dentler.

As per claim 9, Dentler does not specifically disclose the view client of claim 8 wherein said means for visually presenting further comprises:

means for presenting said event information and said relationships as a Gantt chart wherein said Gantt chart is representative of procedural elements of the batch procedure.

However, Dentler does teach the use of a timeline to present continuous data representative of procedural elements of the batch procedure (col. 10 lines 9-26, fig. 13). The Gantt chart claimed essentially presents the data in a visual manner such that it appears as part of

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a timeline. The visual display of Dentler also presents data in a timeline fashion, further presenting milestones amidst the data and target variables as they relate to ideal variables. It would have been obvious to one of ordinary skill in the art to use either type of chart to display data as they are nearly interchangeable since they both provide real time data in a timeline fashion, thus making the data easily interpreted for determining the process status at various points within the execution.

As per claim 10, Dentler discloses the view client of claim 9 wherein said means for presenting said event information and said relationships as a Gantt chart further comprises:

means for presenting said Gantt chart in an absolute time scale (col. 10 lines 9-26, fig. 13, items 170 and 174, wherein the specific process is shown as it executes in true time).

As per claim 11, Dentler does not specifically disclose the view client of claim 9 wherein said means for presenting said event information and said relationships as a Gantt chart further comprises:

means for presenting said Gantt chart in a batch relative time scale.

Since Dentler does show the use of a timeline scale as discussed above, it would have been obvious to one of ordinary skill in the art to present the timeline chart in a batch relative time scale if desired by the user since it would allow for comparison of different batch processes or jobs at similar points in their execution. Thus, if there was a problem with one of the processes it would be easy to isolate at which point the process went awry and easier to rectify the problem.

As per claim 13, Dentler does not specifically disclose the view client of claim 12 wherein said other event information represents processing of a golden batch for comparison with other batches represented by said event information.

However, it would have been obvious to one of ordinary skill in the art that for the purpose of troubleshooting erroneous batch information, the user would want to compare the faulty batch with one that was known to be error-free. This is a choice that is made by the user and can be considered within the scope of Dentler. If there were a problem with a particular batch, comparing execution of that batch to one that was known to be correct in a batch relative time scale would indicate at which point the batches did not execute similarly. Thus, this would be one of the points to investigate the cause of the faulty batch.

As per claim 15, Dentler discloses the view client of claim 14 wherein said means for presenting said event information in real time includes means for scrolling said event information horizontally across a user display screen (col. 10 lines 9-26, fig. 13, wherein time progresses from left to right across the user display screen, as claimed).


As per claim 17, Dentler discloses the view client of claim 16 wherein said means for presenting said continuous data in real time includes means for scrolling said continuous data horizontally across a user display screen (col. 10 lines 9-26, fig. 13, wherein time progresses from left to right across the user display screen, as claimed).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (703) 305-8106. The examiner can normally be reached on Mon-Fri 8-5:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Syed Ali  
December 4, 2002

  
MASID A. BANANKHAH  
PRIMARY EXAMINER